United Nations A/AC.259/2

General Assembly

Distr.: General
26 May 2000

Original: English

United Nations Open-ended Informal Consultative Process on Ocean Affairs
First Meeting
30 May-2 June 2000

List of suggested items which may provide substantial input to the Consultative Process

Submitted by the delegation of Norway

1. The present paper is intended to provide input to the Informal Consultative Process, as set forth in General Assembly resolution 54/33.

2. Progress in particular fields can be achieved through increased cooperation and coordination at the international and inter-agency levels. This presupposes, moreover, appropriate measures of the same nature at the national level. There is an interface between national and international coordination.

3. The suggestions to the General Assembly emanating from the Informal Consultative Process should focus on a limited number of concrete issues, in order to prevent generating expectations which in practice cannot be fulfilled. Such concrete issues should be identified and analysed against the background of the annual report of the Secretary-General to the General Assembly on oceans and the law of the sea. The report also includes, in an integrated manner, the recommendations made by the Commission on Sustainable Development, as a result of the review of the sectoral theme of "oceans and seas" under chapter 17 of Agenda 21, in 1999. This approach would be fully in accordance with the mandate of the process as stipulated in resolution 54/33:

> "to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs by considering the Secretary-General's report on oceans and the law of the sea and by suggesting particular issues to be considered by it, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced" (para. 2).

4. We would suggest consideration of the following issues which may in turn be subdivided in a number of elements:

00-45230 (E) 260500

(a) A plan of action for marine scientific research as a prerequisite for enhanced coordination and effectiveness;

(b) Systematic and concerted consideration of international rules and national legislation to prevent, reduce and control pollution of the marine environment.

A. Plan of action for marine scientific research

- Scientific understanding of the marine ecosystems, including marine living organisms at all levels and their habitats as well as important influences on these ecosystems including pollution, is fundamental to sound decision-making. Sustainable management of natural marine resources as well as proper protection and preservation of the marine environment presupposes availability and dissemination of scientific information. Without the required flows of scientific information, a number of challenges cannot be effectively met.

- The entry into force of the United Nations Convention on the Law of the Sea (UNCLOS) in 1994 brought into being a new regime for the conduct and promotion of marine scientific research. This regime, as defined in Part XIII of UNCLOS, provides only for ground rules with regard to the adoption and implementation of a number of measures. States as well as competent international organizations have an obligation to promote international cooperation in marine scientific research for peaceful purposes. This requires the creation of favourable conditions for the integration of efforts of scientists in the study of processes occurring in the marine environment and the interrelations between them.

- States and competent international organizations have also an obligation, in accordance with the terms of UNCLOS, to publish and disseminate relevant information and knowledge. The competent international organization with regard to Part XIII of UNCLOS, the Intergovernmental Oceanographic Commission (IOC), should play a more assertive role in marine affairs in general and in scientific research in particular.

- In our view, national as well as international levels of activity in this field have a huge potential for expansion and improvement. The regime envisaged by UNCLOS would risk remaining "an empty shell" unless concrete policies and results-oriented initiatives can be formulated and implemented. We would for our part suggest consideration of the following measures:

  - Facilitation of scientific research on modern management principles such as the precautionary approach and the ecosystem approach by competent bodies at the regional, subregional and national levels as appropriate, and dissemination of the results;

  - Adoption and/or harmonization of national rules, regulations and procedures to promote and facilitate marine scientific research;

  - Establishment of national focal points which may enhance international and national coordination in order to promote flows of scientific data and information. Each national system should have a coordinating contact point;

- Link-up and interaction between national focal points and relevant scientific communities, governmental agencies and major groups, i.e. Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP), and Global Ocean Observing System (GOOS);
- Consideration of appropriate programmes of work to fulfil the role of competent international organizations in the implementation of UNCLOS Part XIII on a priority basis (IOC, Administrative Committee on Coordination (ACC) Subcommittee on Oceans and Coastal Areas, etc.);
- Consideration of new policies to ensure access and exchange of data and information within the framework of the IOC Committee on International Oceanographic Data and Information Exchange (IODE);
- Consideration of ways and means to ensure the promotion of marine scientific research in relevant international forums, i.e. through recommendations to IOC;
- Consideration of ways and means to strengthen marine science capabilities in developing countries, based on recommendations from competent international organizations (IOC, etc);
- Coordination within the United Nations Secretariat.

B. Systematic and concerted consideration of international rules and national legislation to protect and preserve the marine environment

5. A considerable potential for formulation of policies and implementation of measures remains to be realized when one considers the objectives as well as the ground rules in Part XII of UNCLOS. Ground rules provide both possibilities and constraints. Ground rules are not and cannot be a surrogate for policies and appropriate action.

6. It may now be timely to conduct a review of the national, regional and global implementation of this part of UNCLOS, provided that focus is given to a few concrete issues to be dealt with on a priority basis:

- Pollution from land-based sources: Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (UNCLOS art. 207, para. 4, *in fine*). Role of the United Nations Environment Programme (UNEP), GESAMP, global international waters assessment (GIWA), the Global Environment Facility (GEF), etc., in this context;
- Pollution from vessels: consideration of measures to implement UNCLOS article 211, including the concept of special areas, establishment of traffic separation schemes, etc. Assistance to the International Maritime Organization (IMO) and other relevant international organizations in this context;
- The relationship between protection of marine ecosystems and different forms of human utilization, such as fisheries, protection of valuable areas and habitats, including coral reefs;

- Review and assessment of existing measures for the prevention of intentional or accidental introduction of species (UNCLOS art. 196);
- Contingency plans against pollution. Analysis of deficiencies in the light of major oil spills (e.g., "Eureka") from vessels. The challenge of flags of convenience. The need for a revitalization of the consideration of "genuine link";
- An assessment of flag State implementation and enforcement. Full implementation of MARPOL regulations is dependant upon effective flag State implementation and enforcement. Can MARPOL's effectiveness be enhanced, nationally as well as internationally?
- An assessment of port State enforcement and adequate reception facilities. Cross-fertilization of experience gained in different regions? Reports should be published;
- Can information flows be enhanced through appropriate use of new information and communication technologies?